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May 9, 2018

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The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Pai:

In 1991, Congress unanimously passed the Telephone Consumer Protection Act (TCPA) to establish the Do Not Call Registry and give Americans control over whether or not telemarketers can call their telephones. The law also bans most robocalls to cellular phones.¹

Congress has charged the Federal Communications Commission (FCC) with producing regulations and enforcing these robocalling rules. However, despite these rules, many of my constituents are frustrated with persistent, unwanted robocalling. Estimates indicate that subscribers across the country receive billions of unsolicited robocalls annually, despite the blanket prohibition in law.²

Illegal robocalling, like other criminal activity, evolves to avoid detection and law enforcement. In recent years, robocallers have extensively used caller ID “spoofing” to mask their origin and defraud Americans. In addition, Voice over Internet Protocol (VoIP) technology coupled with the global reach of Internet service equips robocallers to operate on a massive, international scale while spoofing their calls to appear local in origin, all at the rate of pennies per call.³ Thus, even in a system of perfect domestic enforcement, telemarketers are capable of pestering Americans from outside the FCC’s jurisdiction. And, as the FCC recently stated in the Federal Register, blocking international calls that spoof as North American numbers would adversely affect legitimate uses of spoofing, such as international call-forwarding.⁴

Multiple third party mobile applications have been developed to counter the robocalling nuisance.⁵ In addition, service providers now offer limited black-listing for known numbers. And, the FCC has published a rule giving telecommunications service providers permission to proactively block certain

¹ Telephone Consumer Protection Act of 1991, 47 U.S.C. § 227

² <https://www.prnewswire.com/news-releases/robocall-epidemic-breaks-annual-record-with-305-billion-calls-in-2017-300580916.html>

³ <https://www.economist.com/news/science-and-technology/21700745-end-last-telemarketing-plague-pulling-plug-robocalls>

⁴ 83 Fed. Reg. pg. 1571 (January 12, 2018) “Advanced Methods To Target and Eliminate Unlawful Robocalls” Synopsis, Other Issues

⁵ *Do Not Call: Combating Robocalls and Caller ID Spoofing: Hearing Before the Subcommittee on Digital Commerce and Consumer Protection*, 115th Congress (April 27, 2018)

types of calls that are known to be fraudulent.⁶ These developments are positive, but more needs to be done through collaboration between the government and industry stakeholders.

With an emphasis on the FCC's efforts to maintain the TCPA's relevance in a constantly changing technological landscape, please provide answers to the following questions.

1. What recent actions has the FCC taken to update telecommunications regulations to combat current illegal robocalling practices?
2. What steps does the FCC take to enforce Do Not Call regulations in a timely manner?
3. What steps has the FCC taken to foster interagency cooperation so that fraudulent robocalling operations are shut down quickly?
4. As noted above, robocalling is not limited by international borders. Does the FCC provide technical assistance to the State Department to encourage international telecommunications enforcement standards?
5. The FCC regulates telecommunications participants and provides enforcement of the regulations. Does the FCC also promote industry best practices for monitoring and reporting suspected illegal robocalling activity? Does the FCC have a projected timeline for completing any current collaborative efforts with industry stakeholders to combat fraudulent robocalling?

I look forward to exploring future collaboration with the Commission. Please reply to these question by June 8, 2018. If you have any questions, please contact Michael Steger in my office at Michael.Steger@mail.house.gov or (202) 225-5101.

Sincerely,



F. James Sensenbrenner, Jr.
Member of Congress

cc: Commissioner Mignon Clyburn
Commissioner Michael O'Rielly
Commissioner Brendan Carr
Commissioner Jessica Rosenworcel

⁶ Ibid.



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 5, 2018

The Honorable F. James Sensenbrenner, Jr.
U.S. House of Representatives
2449 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Sensenbrenner:

Thank you for your letter regarding unwanted robocalls. This is consumers' top complaint to the FCC, and we have accordingly made combating illegal robocalls—including illegal spoofing—the FCC's top consumer protection priority. As you recognize, there is no silver bullet for defeating the scourge of robocalls. The FCC continues to attack this issue on several fronts—through enforcement, regulation, and collaboration with other government agencies and industry. During my tenure as FCC Chairman, I've had the opportunity to set the agenda for 20 monthly meetings. And at almost half of those meetings, we've voted on measures to fight the scourge of unlawful robocalls. But robocallers are constantly evolving to avoid detection and law enforcement, which means that there is always more to be done.

Enforcement of the TCPA as well as the Truth in Caller ID Act has been a key component of our strategy. The Commission has extensive ongoing enforcement efforts, many of which are a result of complaints filed with the FCC and the Federal Trade Commission (FTC). We have sent a very clear message that those who engage in illegal robocall schemes will pay a price—assessing \$200 million in fines against illegal robocallers and just last week proposing another \$37 million fine for a spoofing telemarketer in Arizona.

The FCC has also taken action to cut off robocalls and spoofing at the source. Over the last year, we have authorized carriers to stop certain spoofed robocalls, pursued the creation of a reassigned numbers database, pushed industry to establish a robust call-authentication framework, and explored provider-initiated robocall blocking, including real-time analytics and other methods that providers and third-party call blocking service providers could employ in order to determine that a certain call is illegal. Earlier this year, the Commission, in partnership with the FTC, held a tech expo exploring the various technologies and apps available to consumers to fight illegal robocalls. The Commission also held a joint policy forum with the FTC in March to discuss the robocall problem with industry and consumer stakeholders.

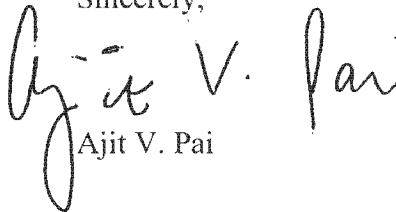
As for enforcing Do Not Call regulations, the FCC coordinates with the FTC to investigate violations of the Do Not Call regulations as part of its investigations into violations of the TCPA and the Truth in Caller ID Act. For entities not regulated by the FCC, the FCC will issue warning citations and impose fines against companies violating or suspected of violating the do-not-call rules. For entities subject to FCC regulation, however, the FCC is able to proceed directly to a forfeiture proceeding for suspected violations.

In addition to coordination with the FTC, we work with both Federal and State agencies to share information and resources that can be used to investigate unwanted calls. The FCC's Enforcement Bureau regularly coordinates with other agencies, such as the Department of the Treasury, Department of Justice, and Department of Homeland Security. In many instances, the FCC has formalized this cooperation through the execution of memoranda of understanding. We also have bilateral engagements with foreign counterparts on robocalls.

The Commission also strongly supports collaborative efforts with the industry to promote best practices in addressing robocall issues, including Caller ID authentication and industry-led efforts to develop comprehensive solutions to prevent, detect, and filter unwanted robocalls. We are actively encouraging an industry-proposed authentication standard-setting process. The Commission has also worked with carriers to implement improved "traceback" methods that will allow our staff and carriers to investigate illegal robocalls more effectively by quickly identifying the sources of such calls. Further, the Commission has already made data from complaints about illegal robocalls available to third parties who use it to help their call blocking tools more readily identify problematic calls.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,



Ajit V. Pai